it becomes a law, be presented to the governor; if he approve it, he shall sign it; but if not, he shall return it to the house in which it originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such consideration, two-thirds of the members present shall agree to pass the bill or *joint resolution*, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, *it shall become a law*, notwithstanding the objection of the governor."

This section was adapted from Art. I, sec. 7, cl. 2, of the United States Constitution, of which, except the changes made in adapting it, it is almost an exact reproduction.

It is true that resolutions are most frequently used for the adoption of rules and orders relative to the proceedings of the legislative body. *May* v. *Rice*, 91 Ind. 546. But in Congress a joint resolution is regarded as a bill, and this is so as a result of the language of the clause referred to above, whereby a joint resolution is placed on the same footing as a bill. 6 Opin. Att'y Gen. 680; *Burritt* v. *State Contract Comm'rs*, 120 Ill. 322. This form of legislation has also been recognized in other states. 26 Am. & Eng. Encyc. Law (2nd ed.), 560, 561.

From the terms of the sections of the Constitution of 1869, quoted above, and these authorities, it seems clear that the joint resolution of the general assembly (Acts 1899-1900, p. 1374), providing for the celebration of Jefferson Davis' birthday by the public schools as a day of recreation and by the state offices as a half holiday, is a law, and as such ought to have appeared in Pollard's Virginia Code Annotated, and that the celebration of the aforesaid day by the school boards and the state officers may be compelled by mandamus; or more generally, that a joint resolution, regularly passed by both branches of the legislature and approved by the governor previous to the adoption of the Constitution of 1902, has the force and effect of law and must be respected as such.

C. B. G.

ADVANCEMENTS—RELEASES FROM PART ONLY OF CHILDREN ADVANCED—SHARE IN INTESTATE PROPERTY, AFTER ACCUMULATED.—In *Headrick* v. *McDowell*, 102 Va. 124, 9 Va. Law Rew. 818, 65 L. R. A. 578, it was held that the execution of releases from part only of the children to whom advancements were made, of all further interest in the estate, did not destroy their right to share in intestate property thereafter accumulated by the testator, where all his children had shared equally in the advancements. With this case in the L. R. A., is a note on the right of one receiving advancement and executing release of interest in estate to share in after acquired property.

CONFLICT OF LAWS—STATUTE LEGITIMATING ISSUE OF COLORED PERSON—WHEN NOT BINDING—CF. SEC. 2227 VA. CODE ANNO.—A statute legitimating all children of slaves which have been recognized by the man as his, although the father and mother have ceased to cohabit prior to the passage of the act, is held, in *Irving* v. *Ford* (Mass.), 65 L. R. A. 177, not to be binding on a man who has become domiciled in another state. The other authorities on conflict of laws as to legitimacy are collated in a note to this case.

Sec. 2227 Va. Code Anno. is similar in effect to the statute referred to above, and provides that where the parties had ceased to cohabit prior to the passage thereof in consequence of the death of the woman, *or from any other cause*, all the children of the woman, recognized by the man to be his, shall be deemed legitimate. In *Patterson* v. *Bingham*, 101 Va. 372, it was held that the voluntary abandonment of the parties of the purpose to marry is not within the meaning of the words "any other cause," and that the mere fact that prior to the passage of the aforesaid section, a colored man and colored woman cohabited together, and contemplated occupying toward each other the relation of husband and wife, does not render legitimate the issue of such intercourse recognized by the man to be his, where it appears that the parties afterwards and before the date last mentioned, mutually abandoned that purpose, and each married another person.

C. B. G.

RAILROADS — SUITS TO FORECLOSE MORTGAGE — INTERVENTION BY INDIVIDUAL BONDHOLDERS—LEGALITY OF SUBSTITUTION OF TRUSTEE—OBJECTION TO FITNESS OF TRUSTEE.—In the case of *Bowling Green Trust Co. et al.* v. *Virginia Passenger & Power Co.* (C. C., E. D. of Va.), 132 Fed. 921, the following is the syllabus:

It is a well-settled doctrine in the federal courts that, where the fitness of the trustee in a railroad mortgage to represent the interests of the bondholders is not questioned, nor its conduct in efficiently, honestly, and impartially discharging its duty assailed, individual bondholders are neither necessary nor proper parties to a suit to foreclose the mortgage, and that they will not be permitted to intervene therein.

Where a railroad mortgage makes provision for a change of trustee, and a change has been made in apparent conformity to such provision, its legality cannot be collaterally determined on the application of individual bondholders to be permitted to intervene in a suit to foreclose the mortgage instituted by the substituted trustee.

Individual holders of a small minority of the bonds of a railroad company will not be given leave to intervene in a suit to foreclose the mortgage, to the displacement of the trustee who has instituted the suit on request of a majority of the bondholders, where no fraud or misconduct on the part of the trustee is charged, and the only objection to it is that it is unsuitable to conduct the suit because of the fact that certain of its directors are also bondholders and stockholders of the defendant, the court having ample power to hear them as parties in interest, although not formal parties, as to any action taken by the trustee prejudicial to their rights.

A court should in any case be slow to interfere with a mortgage trustee in foreclosing the mortgage, in the apparently lawful discharge of its duty, at the instance of a comparatively small number of minority bondholders, and least of all should it do so when it appears that such bondholders are not themselves seeking actual relief, but are attempting to obstruct the trustee in the discharge of what it deems its duty.